

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Frank Kane,	)	
	)	C.A. No. 8:18-3146-HMH-KFM
Plaintiff,	)	
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Steve Lowe,	)	
	)	
Defendant.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Proceeding pro se, Plaintiff Frank Kane (“Kane”), filed a notice of removal in this court, purporting to remove a case involving an eviction proceeding brought against him in state magistrate court. Magistrate Judge McDonald determined that this court lacks subject matter jurisdiction over the above-captioned case, and therefore, he recommends summarily remanding the case to the state magistrate court. Kane filed objections to the Report and Recommendation on December 14, 2018.

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Upon review, the court finds that Kane's objections to the magistrate judge's Report and Recommendation are non-specific, unrelated to the dispositive portions of the Report, and merely restate his claims. Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation.

It is therefore

**ORDERED** that this action is summarily remanded to the state magistrate court based upon lack of subject matter jurisdiction.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
December 19, 2018

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.